THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.23927 of 2005

Date:22.11.2005

G.Bala Swamy.

--------PETITIONER

The Regional Manager, A.P.S.R.T.C., Kurnool Region, Kurnool District and another.

---------RESPONDENTS

ORDER:

The petitioner was initially employed as a Driver in the year 1996 against a regular vacancy in A.P.S.R.T.C. In 1997, disciplinary proceedings were initiated against him, on the allegation that the driving licence produced by him is not genuine. Ultimately, an order was passed on 05.12.2000 terminating the services of the petitioner, after holding an enquiry. The order of termination has become final.

The A.P.S.R.T.C. issued a circular, dated 11.08.2000, evolving a scheme for re-employment of such drivers, who were terminated from service, on the ground that their licences were not genuine. According to the scheme, the drivers so terminated are entitled to be considered for re-employment, in case they have obtained genuine driving licences, at a later stage. The petitioner made an application to avail the benefit under the Circular and was issued an order, dated 16.15.2005, engaging him as a Driver on contract basis. The petitioner contends that he is entitled to be engaged on casual basis and thereafter, on regular basis, under the Circular and that the impugned order, insofar as it appoints him on contract basis, is contrary to the Circular.

Heard the learned counsel for the petitioner and the learned Standing Counsel

for the respondents-Corporation.

Almost as a consolation measure to the drivers, whose services are terminated on the allegation that the driving licences produced by them are not genuine, the Corporation evolved a scheme for their re-engagement, in case they obtained fresh driving licences. It is true that the Circular, dated 11.08.2000, provides for re-engagement of such drivers, initially on casual basis and thereafter, on regular basis. Several changes have taken place in the establishment and organization of the Corporation, subsequent to the issuance of the Circular. As of now, hardly any appointments are being made, and even where they are made, it is only on contract basis. The petitioner was engaged on contract basis, may be, as part of the commitment of the Corporation under the Circular, dated 11.08.2000. When the general policy itself is to engage the workers on contract basis, the petitioner, who was initially appointed and terminated on certain acts of mis-conduct, cannot be placed at a higher pedestal. However, if the Corporation undertakes to convert the services of the contractual employees to any other category, the petitioner shall also be extended the same benefit.

Hence, the Writ Petition is disposed of, directing that in case the Corporation modifies or converts the services of any contractual employees, particularly in the category of Drivers, the case of the petitioner shall also be considered for that purpose. There shall be no order as to costs.

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22.11.2005

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